



EPA's
*Superfund
Redevelopment
Initiative*

**Frequently
Asked
Questions**



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Q1:

What is the Superfund Redevelopment Initiative?

- A. The Superfund Redevelopment Initiative is EPA's new coordinated national effort to facilitate the return of the country's most hazardous waste sites to productive use, by selecting cleanup remedies that are consistent with the anticipated future use of the sites. While EPA's primary mission is to protect human health and the environment, Superfund cleanups have also been instrumental in returning contaminated sites to productive use. The Agency has increasingly recognized the need to work with communities as part of the cleanup process to determine what future use of the site is likely to be, so that EPA can try to make the cleanup protective for that use. This will allow communities to reclaim these properties as valuable assets. To do this, EPA will evaluate its policies and practices to identify opportunities to enhance reuse potential at Superfund sites, and it will form partnerships with states, local government agencies, citizen groups, private organizations and other federal agencies to mobilize the authorities, experience, knowledge, and resources, that each of them can bring to the goal of restoring once-contaminated properties as valuable assets for communities. This Initiative builds on the success the Agency has achieved through Administrative Reforms.

Q2:

What is a "Superfund site?"

- A. A Superfund site is an area contaminated by hazardous substances that pose a threat to human health and the environment, where EPA's Superfund program either funds the cleanup of the site, works with the state to clean up the site, or oversees cleanup by those responsible for the contamination. EPA lists the hazardous waste sites that are our country's priority for cleanup on its National Priorities List (NPL). NPL sites are the main focus of the Superfund Redevelopment Initiative.

Q3: What do you mean by "reuse"?

- A. Most contaminated Superfund sites were once productive. "Reuse" means productive use of a site after cleanup. These uses can be industrial or commercial, such as for factories and shopping malls; they can be for housing, public works facilities, transportation, and other community infrastructure; they can be for recreational facilities, such as golf courses, parks and ball fields; or for ecological resources, such as wildlife preserves and wetlands. However a site is reused, the community benefits, because the property is again adding economic, social, or ecological value.

Q4: What are the main components of the Initiative?

- A. The Initiative has four key components: Pilots, policies,

partnerships, and promotions. EPA is establishing pilot programs to help local governments participate in the cleanup and reuse of Superfund sites. As part of a pilot, EPA may provide financial or technical assistance to a local government to do assessments, planning, facilitation, and public outreach relating to determining the likely future use of a site. EPA is evaluating its policies and guidelines to determine where refinements can be made to facilitate site reuse. Wherever appropriate, the Agency will modify its policies, develop new ones, and improve its practices to support site reuse, making it a goal to achieve cleanups that are consistent with the anticipated future use of sites. EPA is also forming partnerships with states, tribes, other federal agencies, local governments, communities, land owners, lenders, developers, and parties potentially responsible for contamination that can help bring about the reuse of Superfund sites. It will build on existing partnerships with states, tribes, and local governments, and will evaluate potential roles for other federal agencies that can provide technical and financial assistance to communities under economic and community development programs. The Agency is exploring opportunities to share information with private organizations, like the U.S. Soccer Federation and the U.S. Golf Association. Finally, EPA is

promoting the return of Superfund sites to productive use by providing information about sites that have been cleaned up and made available for reuse, and by training its staff on how to support reuse.

Q5: How does the reuse of Superfund sites help communities?

- A. In some cases, reuse of a site benefits the community by providing a new commercial enterprise or public facility, with associated jobs and income, greater spending at area businesses, increased public revenue, and increased property values at and around the site. In some cases a recycled site can become the catalyst that revitalizes an economically depressed area and helps to preserve a community. Reuse of a site may give a community greater recreational opportunities, by providing ball fields, playgrounds, historic or cultural centers, or scenic hiking trails. It may result in creation of wetlands, wildlife habitats, or green space. Elimination of an eyesore may stimulate renewed community pride. Returning a site to productive use may make unnecessary new development in areas valued as open space. Finally, reuse of a site may provide an added measure of assurance that human health and safety will be protected, because the user will not only be responsible for maintaining the protectiveness of the remedy, but will also have a vested interest in doing so.

Q6: Is the traditional role of the states in the Superfund process affected by this initiative?

- A. It is anticipated that states will play an important role in recycling Superfund sites, both through review of, and advice on, technical site issues, and through the coordinating roles of state agencies that may be involved in economic development. States will continue to lead cleanups at selected sites and provide support for cleanups performed by EPA or other parties. States will continue to be involved in the process leading up to the approval of the cleanup plan for the site and will participate in the dialogue with EPA, local government officials and the community on

Q21: Where can I get additional information about the Superfund Redevelopment Initiative and sites that have been successfully recycled?

A. Visit the Superfund Redevelopment Initiative web site on EPA's home page at www.epa.gov/superfund/programs/recycle/index.htm. The web site provides information about the initiative and the policies and tools available for those interested in the reuse of Superfund sites. It also provides summary information about Superfund sites that have been successfully recycled and more detailed fact sheets with data on economic impacts and environmental and social benefits that result from site reuse.

You can also submit specific questions or comments about the initiative by writing to:

Superfund Redevelopment Initiative
U.S. Environmental Protection Agency
Mail Code 5204G
401 M Street, SW
Washington, DC 20460

Or send an email message to: reuse.info@epa.gov

Q7:

Which Superfund sites will be included in the initiative?

A. EPA supports reuse at all Superfund sites. However, the Agency is focusing its efforts primarily on sites that have been placed on the NPL, and especially on those sites where the cleanup is at an early stage, because that is the point at which reuse plans can most easily be integrated into plans for the cleanup. EPA will not exclude support for reuse at sites where the cleanup process is at a later stage such as remedy selection and design; however, the opportunity to integrate reuse plans into the cleanup process will be more limited in such cases. EPA does not anticipate reopening formal decisions already made in Records of Decisions and enforcement orders and decrees.

Q8:

Are there some Superfund sites that may not be reused?

A. Possibly. EPA believes that almost all Superfund sites have the potential for some form of reuse, and it supports the reuse of all sites where there is potential. But some sites, or portions of sites, may never be reused because the controls established to ensure that the remedy remains protective are so strict they prevent reuse. It is also possible that some sites may never be reused because of factors other than the remedy, such as the location of the site or market forces.

Q9:

How many Superfund sites are now in some stage of reuse?

A. Of about 1,200 sites on the NPL, EPA knows of more than 165 current or former NPL sites that are, or soon will be, in productive use. EPA has supported the recycling of many of these sites. In other cases, reuse has occurred without the Agency's direct involvement, other than making the site

safe for reuse. In establishing the Initiative, the Agency studied these reuse successes to identify the factors that led to reuse.

Q10: Why is the Initiative needed, if sites are being recycled anyway?

- A. The Initiative is needed to ensure that reuse opportunities at all Superfund sites are fully explored and pursued where appropriate. Some Superfund sites have been returned to productive use without the benefit of a coordinated national program because of special circumstances and the vision and energy of individuals. The Initiative represents a departure from this ad hoc approach. Now the Agency is increasingly emphasizing an early and thorough consideration of the anticipated future use of sites, wherever possible, so that cleanups can be consistent with that use. This new approach is backed up by a nationally-coordinated program to provide policies and tools and information-sharing activities that support it. Without the Initiative, many cleaned-up sites might remain unused, and opportunities to return sites to productive uses might be missed.

Q11: If a site is valuable, wouldn't reuse occur without EPA's help?

- A. In some cases, yes. Some sites are so favored by their location or other economic factors that reuse is inevitable. But in most instances, reuse is not inevitable. Developers often look elsewhere before even considering a Superfund site. Those responsible for the contamination may not be able, or may not wish, to reuse the site they have contaminated. Developers may not readily step forward to support recreational or ecological projects that communities identify. Regardless of a site's value, EPA's involvement can help local governments and communities realize it's potential for reuse. EPA can communicate a site's availability for reuse, address liability or other legal and technical concerns, and factor reuse into the cleanup design. Even at sites where the reuse seems inevitable,

Q19: There are many stakeholders at Superfund sites, including other federal agencies, states, tribes, and natural resource trustees. How will these other stakeholders be involved in the Initiative?

- A. Many of these stakeholders play a role in supporting reuse of sites. EPA will coordinate with other federal departments and agencies that have programs and resources that could be used to support reuse and the communities where sites are located. For example, the Departments of Housing and Urban Development, Treasury, Commerce, and Interior may provide grants, loan guarantees, and tax incentives to encourage the development of formerly contaminated properties and their surrounding areas. The Fish and Wildlife Service and the Army Corps of Engineers may provide technical assistance at a Superfund site, during the design of a cleanup that supports ecological reuse. States are key partners in Superfund site cleanups and will be important contributors in site specification efforts. State agencies also provide grants and loans that may foster reuse of sites. On properties over which Indian tribes have jurisdiction, EPA will coordinate with the tribes to ensure that cleanups are consistent with reasonably anticipated future land use. In some cases, a Superfund site may adversely affect natural resources belonging to, managed by, or held in trust by federal, state, and tribal governments. Under the Initiative, EPA will cooperate with the federal agencies that are natural resource trustees to restore the damaged resources, and will explore options for returning other portions of the site to ecological use. Partnerships with these other Superfund stakeholders are critical to realizing the goal of returning sites to productive use.

Q20: How is this Initiative different from the Brownfields program?

- A. Both efforts seek productive uses for environmentally impaired properties. But they address different kinds of sites and use different methods to accomplish their objectives. The Superfund Redevelopment Initiative mostly focuses on sites on the NPL, the nation's worst hazardous

cleanup consistent with that use. EPA is also exploring other opportunities to help communities recycle Superfund sites.

Q18: What reuse activities can EPA fund using Superfund money?

A. Under the Superfund program, EPA can fund activities that facilitate reuse, as long as those activities are designed to protect the future land use. Anticipating the probable future use of a Superfund site after it has been cleaned up is of key importance in selecting and designing a remedy that will be consistent with that use.

Activities that are appropriate for funding under Superfund include the following:

- Community needs assessments that identify major issues, needs and desires of the local officials and the community related to the anticipated future use;
- Analyses that identify area market conditions and trends to provide a realistic understanding of the uses and activities that could occur on-site;
- Physical site evaluation to determine assets and constraints of the site and available infrastructure (e.g., transportation, utilities).
- Stakeholder and community outreach on reuse options; and
- Preparation of reports documenting the results of the analyses and describing anticipated future uses, and coordination of the reuse planning activities with the Superfund response process.

Q12: Will a Superfund site be safe for reuse?

future owners or developers must coordinate their reuse activities with EPA to ensure that the cleanup remains intact and protective.

Q13: Will the goal of reuse lead to the selection of less-protective cleanups in order to facilitate the reuse?

A. Yes. When a hazardous waste site is cleaned up under the Superfund program, the Agency must ensure the protection of human health and the environment. In doing so, EPA ensures that the contamination at a site is either completely removed, cleaned up to safe levels, or that protective measures are in place that reduce the possibility of exposure to the contamination. The Agency does not compromise the protection of human health and the environment when considering reuse at a site. States also play a role in ensuring the protection of human health and the environment by reviewing and concurring on proposed cleanup plans. If all contamination at a site is eliminated, then human health and the environment are fully protected and the site is available for reuse. At sites where protective measures are in place for waste that remains after the cleanup, EPA evaluates whether such measures will continue to provide protection, given the reuse planned for the site, and whether that reuse might impair the protective measures. In addition, EPA places special requirements on those who reuse a Superfund site where contamination remains on site, to ensure that their activities do not affect the protectiveness of the cleanup. EPA does not lower its standards of protection for a site that will be reused, nor does it allow reuse to reduce the effectiveness of the cleanup measures taken at the site.

Q13: Will the goal of reuse lead to the selection of less-protective cleanups in order to facilitate the reuse?

A. No. EPA's primary mission under the Superfund program is to protect human health and the environment. The recycling of Superfund sites is secondary. There is nothing in the initiative that will result in the selection of cleanups that are less protective than required. In fact, EPA has evidence

that the reuse of a site may actually provide a greater level of protection. For example, at sites where a building is constructed over contamination that has been placed under a protective cover, a still thicker cover is typically required to support the weight of the building. The thicker cover, in addition to the foundation of the building, may provide more protection than originally called for in the cleanup plan. Where reuse is considered for a site after the cleanup is already underway or is completed, EPA ensures that the cleanup remains safe and that the reuse in no way harms the protective measures that are in place.

Q14: Will plans for reusing a site result in longer cleanups?

- A. No. In fact, EPA's experience suggests the opposite. Often, interest from property owners, communities, and local governments eager to reuse a Superfund site will actually lead to the acceleration of the cleanup. When there is an agreement among stakeholders on the cleanup and reuse of a site, not only is there incentive to move quickly, but there are also fewer obstacles to slow down the cleanup.

Q15: Will the Initiative allow polluters to profit from the sites they have polluted?

- A. No. Nothing in the Initiative relieves parties responsible for pollution of their obligation to clean up sites they have polluted, and to bear the cost. By the same token, the Initiative will not cause parties responsible for the pollution to lose any rights that they, as property owners, may have.

Q16: Liability is often a concern at Superfund sites. How does EPA address the liability of those who are interested in reusing a site?

- A. EPA has several tools available to address the federal environmental liability associated with a Superfund site. EPA may enter into a prospective purchaser agreement, apply a statement of agency policy, or issue a comfort

letter, depending upon the relationship of the interested party to the site. Prospective purchasers of Superfund sites may enter into an administrative agreement with EPA that protects them from liability associated with the contamination existing at the time of purchase. In return for this covenant and protection from third party contribution lawsuits, the purchaser must provide EPA with a benefit which may be in a form of cleanup work, funding, or benefits to the community. Parties associated with a Superfund site, as current owners of either the site, or property nearby, may be protected by one of EPA's policies which allow the Agency to exercise its enforcement discretion and not require them to undertake or pay for a Superfund cleanup. Such application of Agency policies may be described in a comfort letter. Comfort letters may also clarify the likelihood of EPA involvement at a site. Any of these tools may be used to provide more certainty to parties interested in purchasing or reusing Superfund sites.

Q17: What will EPA do to help communities recycle Superfund sites?

- A. As part of the Initiative, EPA is helping communities to recycle Superfund sites by providing technical, financial, and other forms of assistance. For example, EPA has established a pilot program that provides financial and technical assistance to local governments. This assistance is designed to meet the specific needs of each local government that participates in the pilot program, regarding projecting future land use and performing cleanups consistent with the anticipated use. EPA has a technical assistance grant (TAG) program that in some cases may fund activities that can contribute to recycling efforts. For example, communities may apply to the Agency for a TAG to hire technical experts to help them better determine the reuse options. EPA is also funding a peer match program run by the International City/County Managers Association (ICMA). The program will enable local governments to share with other local governments their experience and successful practices in projecting future land use and doing